

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74932 of 2024

Arising Out of PS. Case No.-227 Year-2024 Thana- MAJORGANJ District- Sitamarhi

Mukesh Patel S/o- Chandeshwar Patel Resident of village- Rusulpur,
Rasulpur Ps-Magorganj District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra, Advocate

For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 13-11-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Majorganj P.S. Case no. 227 of 2024 registered under section 317(5) of the Bharatiya Nyaya Sanhita, 2023 and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, 45 litres of country liquor was recovered from the motorcycle of the petitioner, however the petitioner managed to escape.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case because of his antecedents. No incriminating article has been recovered from his possession or from his motorcycle. The alleged recovery has been shown from his motorcycle when the



same was parked at a public place. The petitioner undertakes to cooperate in the case/trial.

5. Heard learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation of recovery of 45 litres of country liquor from the motorcycle of the petitioner together with the petitioner having ten criminal antecedents of which many are under the Bihar Prohibition and Excise Act, 2016, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

7. In case the petitioner surrenders within a period of four weeks and pray for regular bail, the same shall be considered by the learned Trial Court without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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